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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

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THE PEOPLE,

Plaintiff and Respondent,

v.

DOMINIQUE LAWRENCE BARNES,

Defendant and Appellant.

C059807

(Super. Ct. No.  
06F02674)

Kacey France's boyfriend was in jail, and she needed money to bail him out. So, she and her friends, including defendant Dominique Lawrence Barnes, came up with a plan of luring someone out of a bar to kidnap and rob him. In accordance with their plan, they lured a man out of a nightclub and to an apartment. There, defendant and his cohorts beat the man and took his wallet, boots, belt, cell phone, keys, and necklace. They tied him up with duct tape, demanded the access code for his bank card, and threatened to kill him. They planned to call his family members and demand a \$500 ransom for him. Eventually, the group fell

asleep, and the man escaped from the apartment. He brought deputies back to the apartment and identified defendant and some of the others as the people who had attacked him.

Defendant and three of his friends were charged with first degree robbery, assault by means likely to cause great bodily injury, false imprisonment, and torture. It also was alleged that defendant had personally inflicted great bodily injury on the victim, that a principal was armed while committing the offense, and that defendant was 16 years old at the time the offense was committed.

Defendant pled no contest to first degree robbery and false imprisonment, and, as to both offenses, he admitted that he was a principal armed in the commission of the offense. Defendant agreed to a stipulated aggregate term of eight years.

The trial court referred defendant to the Division of Juvenile Justice (DJJ) to evaluate whether he could receive an adult commitment to DJJ. DJJ advised the court that defendant was ineligible for adult court commitment because he was over the age of 16 at the time of the offense and had committed an enumerated offense under Welfare & Institutions Code section 707, subdivision (b).

Probation was denied, and defendant was sentenced to the stipulated sentence of eight years. He was also ordered to pay a restitution fund fine of \$1,600 and to pay \$420 in restitution to the victim.

Defendant appeals, and we appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets

forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

We have, however, found an error in the abstract of judgment which requires correction. Defendant pled no contest to first degree robbery. The abstract indicates he was convicted of second degree robbery. The trial court is directed to correct the abstract of judgment to reflect the correct degree of robbery and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

In all other respects, the judgment is affirmed.

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SCOTLAND, P. J.

We concur:

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HULL, J.

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ROBIE, J.